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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 DARNELL BLACK, SR., No. 2:20-CV-1991-JAM-DMC-P
12 Plaintiff,
13 v. ORDER
14 RALPH DIAZ, et al.,
15 Defendants.

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42
18 U.S.C. § 1983. Pending before the Court are Plaintiff's motions, ECF Nos. 6 and 7, for leave to
19 file an amended complaint.

20 The Federal Rules of Civil Procedure provide that a party may amend his or her
21 pleading once as a matter of course within 21 days of serving the pleading or, if the pleading is
22 one to which a responsive pleading is required, within 21 days after service of the responsive
23 pleading, see Fed. R. Civ. P. 15(a)(1)(A), or within 21 days after service of a motion under Rule
24 12(b), (e), or (f) of the rules, whichever time is earlier, see Fed. R. Civ. P. 15(a)(1)(B). Because
25 Plaintiff's original complaint has not been deemed appropriate for service and has not been
26 served, leave of Court is not required and Plaintiff may amend as of right. Plaintiff's motions will
27 be denied as unnecessary.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motions for leave to amend, ECF Nos. 6 and 7, are denied as
3 unnecessary; and
4 2. If no first amended complaint is filed within 30 days of the date of this
5 order, the action shall proceed on Plaintiff's original complaint.

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7 Dated: April 8, 2021


8 DENNIS M. COTA
9 UNITED STATES MAGISTRATE JUDGE

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